

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case 12-CA-300757	Date Filed August 3, 2022

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Sprinklermatic Florida, LLC		b. Tel. No. (904) 539-3900
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 540 Owen Ave., Jacksonville, FL 32254	e. Employer Representative (b) (6), (b) (7)(C)	g. e-mail (b) (6), (b) (7)(C)@sprinklermatic.net
		h. Number of workers employed

i. Type of Establishment (factory, mine, wholesaler, etc.) Contractor	j. Identify principal product or service Fire sprinkler and alarm system installation and servicing
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The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) Section 8(a)(1) only of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  
See attachment.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)  
Florida Pipe Trades Council

4a. Address (Street and number, city, state, and ZIP code) 13185 NW 45th Ave., Opa Locka, FL 33054	4b. Tel. No. (305) 681-8596
	4c. Cell No.
	4d. Fax No.
	4e. e-mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  
United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (202) 362-0041
/s/ Kevin Dill (signature of representative or person making charge)	Kevin Dill, O'Donoghue & O'Donoghue LLP (Print/type name and title or office, if any)	Office, if any, Cell No.
5301 Wisconsin Ave., NW, Ste. 800, Washington, DC Address 20015		Fax No. (202) 362-2640
Date 8/2/2022		e-mail kdill@odonoghuelaw.com

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

**ATTACHMENT**

The above-named Employer, by and through its agents, officers and representatives, has engaged in the following conduct:

1. On or about July 26, 2022, the Employer violated Section 8(a)(1) by requiring a group of its employees to attend a captive audience meeting during company time at its Jacksonville location, in which the Employer forced its employees to listen to speeches urging them not to choose union representation.
2. On or about July 26, 2022, during the captive audience meeting referenced above, the Employer violated Section 8(a)(1) when a management representative threatened Sprinklermatic employee and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) with physical violence in response to (b) (6) union activities.
3. On or about July 26, 2022, during the captive audience meeting referenced above, the Employer violated Section 8(a)(1) when a management representative threatened to withhold wage increases from employees who signed a union authorization card.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 12  
201 E Kennedy Blvd Ste 530  
Tampa, FL 33602-5824

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (813)228-2641  
Fax: (813)228-2874



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Mobile App

August 4, 2022

(b) (6), (b) (7)(C)

Sprinklrmatic Florida, LLC  
540 Owen Ave.  
Jacksonville, FL 32254

Re: Sprinklrmatic Florida, LLC  
Case 12-CA-300757

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney JOHN W. PLYMPTON whose telephone number is (813)228-2665. If this Board agent is not available, you may contact Regional Attorney CHRISTOPHER ZERBY whose telephone number is (813)228-2693.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlr.gov](http://www.nlr.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not

have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "David Cohen". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

David Cohen  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

## QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 12-CA-300757
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## 1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

## 2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )

## 3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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## 4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

## 5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

## 6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

## 7A. PRINCIPAL LOCATION:

## 7B. BRANCH LOCATIONS:

## 8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES \_\_\_\_\_)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

## 10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

## 11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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## 12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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## PRIVACY ACT STATEMENT

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Telephone: (813)228-2641  
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August 4, 2022

Florida Pipe Trades Council, United Association  
of Journeymen and Apprentices of the Plumbing and  
Pipe Fitting Industry of the United States and Canada, AFL-CIO  
13185 NW 45th Ave.  
Opa Locka, FL 33054

Re: Sprinklrmatic Florida, LLC  
Case 12-CA-300757

Dear Sir or Madam:

The charge that you filed in this case on August 03, 2022 has been docketed as case number 12-CA-300757. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney JOHN W. PLYMPTON whose telephone number is (813)228-2665. If this Board agent is not available, you may contact Regional Attorney CHRISTOPHER ZERBY whose telephone number is (813)228-2693.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you



fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlrb.gov](http://www.nlrb.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.



We can provide assistance for persons with limited English proficiency or disability.  
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "David Cohen". The signature is written in a cursive, flowing style.

David Cohen  
Regional Director

cc: Kevin Dill  
5301 Wisconsin Ave., NW, Suite 800  
Washington, DC 20015

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
AMENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

12-CA-300757

Date Filed

8/10/2022

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Sprinklermatic Florida, LLC		b. Tel. No. (904) 539-3900
		c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) 540 Owen Ave., Jacksonville, FL 32254	e. Employer Representative (b) (6), (b) (7)(C)	g. e-mail (b) (6), (b) (7)(C)@sprinklermatic.net
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Contractor	j. Identify principal product or service Fire sprinkler and alarm system installation and servicing	

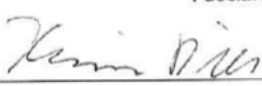
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  
See attachment.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)  
Florida Pipe Trades Council

4a. Address (Street and number, city, state, and ZIP code) 13185 NW 45th Ave., Opa Locka, FL 33054	4b. Tel. No. (305) 681-8596
	4c. Cell No.
	4d. Fax No.
	4e. e-mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  
United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (signature of representative or person making charge)		Tel. No. (202) 362-0041
Kevin Dill, O'Donoghue & O'Donoghue LLP (Print/type name and title or office, if any)		Office, if any, Cell No.
5301 Wisconsin Ave., NW, Ste. 800, Washington, DC Address 20015		Fax No. (202) 362-2640
Date 8/10/22		e-mail kdill@odonoghuelaw.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

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ATTACHMENT

The above-named Employer, by and through its agents, officers and representatives, has engaged in the following conduct:

1. On or about July 26, 2022, the Employer violated Section 8(a)(1) by requiring a group of its employees to attend a captive audience meeting during company time at its Jacksonville location, in which the Employer forced its employees to listen to speeches urging them not to choose union representation.
2. On or about July 26, 2022, during the captive audience meeting referenced above, the Employer violated Section 8(a)(1) when a management representative threatened Sprinklermatic employee and (b) (6), (b) (7)(C) with physical violence in response to (b) (6), (b) (7)(C) union activities.
3. On or about July 26, 2022, during the captive audience meeting referenced above, the Employer violated Section 8(a)(1) when a management representative threatened to withhold wage increases from employees who signed a union authorization card.
4. On or about July 28, 2022, the Employer violated Sections 8(a)(1) and 8(a)(3) when it retaliated against Sprinklermatic employee and known union supporter (b) (6), (b) (7)(C) by denying (b) (6), (b) (7)(C) the same opportunity to work overtime that was given to other employees working on the same project (b) (6), (b) (7)(C) was assigned to.
5. On or about July 30, 2022 through (b) (6), (b) (7)(C) 2022, the Employer violated Sections 8(a)(1) and 8(a)(3) when it retaliated against Sprinklermatic employees and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) by changing their job assignments to isolate them from other Sprinklermatic employees.
6. On or about (b) (6), (b) (7)(C) 2022, the Employer violated Sections 8(a)(1) and 8(a)(3) when it terminated the employment of (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) was a known union supporter.
7. On or about August 3, 2022, the Employer violated Section 8(a)(1) when (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) sent Sprinklermatic employee and known union supporter (b) (6), (b) (7)(C) a text message threatening (b) (6), (b) (7)(C) with termination of (b) (6), (b) (7)(C) employment and physical violence if (b) (6), (b) (7)(C) continued to discuss the Union.
8. On or about August 3, 2022, the Employer violated Section 8(a)(1) by creating an unlawful impression of surveillance when (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) told Sprinklermatic employee and known union supporter (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) would report any attempts (b) (6), (b) (7)(C) made to discuss the Union with other employees to Sprinklermatic (b) (6), (b) (7)(C).



UNITED STATES GOVERNMENT  
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August 11, 2022

(b) (6), (b) (7)(C)

Sprinklermatic Florida, LLC  
540 Owen Ave.  
Jacksonville, FL 32254

Re: Sprinklermatic Florida, LLC  
Case 12-CA-300757

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Attorney JOHN W. PLYMPTON whose telephone number is (813)228-2665. If the agent is not available, you may contact Regional Attorney CHRISTOPHER ZERBY whose telephone number is (813)228-2693.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn

statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "David Cohen". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

DAVID COHEN  
Regional Director

Enclosure: Copy of first amended charge



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 12  
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Tampa, FL 33602-5824

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Mobile App

August 11, 2022

Florida Pipe Trades Council, United Association  
of Journeymen and Apprentices of the Plumbing  
and Pipe Fitting Industry of the United States  
and Canada, AFL-CIO  
13185 NW 45th Ave.  
Opa Locka, FL 33054

Re: Sprinklermatic Florida, LLC  
Case 12-CA-300757

Dear Sir or Madam:

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Attorney JOHN W. PLYMPTON whose telephone number is (813)228-2665. If the agent is not available, you may contact Regional Attorney CHRISTOPHER ZERBY whose telephone number is (813)228-2693.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn

statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "David Cohen". The signature is fluid and cursive, with the first name "David" and last name "Cohen" clearly distinguishable.

DAVID COHEN  
Regional Director

cc: Kevin Dill, Esq.  
5301 Wisconsin Ave NW, Ste 800  
Washington, DC 20015



UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
SECOND AMENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

12-CA-300757

Date Filed

8/22/2022

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Sprinklermatic Florida, LLC		b. Tel. No. (904) 539-3900
		c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) 540 Owen Ave., Jacksonville, FL 32254	e. Employer Representative (b) (6), (b) (7)(C)	g. e-mail (b) (6), (b) (7)(C)@sprinklermatic.net
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Contractor	j. Identify principal product or service Fire sprinkler and alarm system installation and servicing	

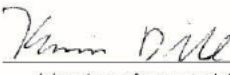
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  
See attachment.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)  
Florida Pipe Trades Council

4a. Address (Street and number, city, state, and ZIP code) 13185 NW 45th Ave., Opa Locka, FL 33054	4b. Tel. No. (305) 681-8596
	4c. Cell No.
	4d. Fax No.
	4e. e-mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  
United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (202) 362-0041
 (signature of representative or person making charge)	Kevin Dill, O'Donoghue & O'Donoghue LLP (Print/type name and title or office, if any)	Office, if any, Cell No.
5301 Wisconsin Ave. NW, Suite 800, Washington, DC Address 20015		Fax No.
Date 8/22/22		e-mail kdill@odonoghuelaw.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

**ATTACHMENT**

The above-named Employer, by and through its agents, officers and representatives, has engaged in the following conduct:

1. On or about July 26, 2022, the Employer violated Section 8(a)(1) by requiring a group of its employees to attend a captive audience meeting during company time at its Jacksonville location, in which the Employer forced its employees to listen to speeches urging them not to choose union representation.
2. On or about July 26, 2022, during the captive audience meeting referenced above, the Employer violated Section 8(a)(1) when a management representative threatened Sprinklermatic employee and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) with physical violence in response to (b) (6), (b) (7)(C) union activities.
3. On or about July 26, 2022, during the captive audience meeting referenced above, the Employer violated Section 8(a)(1) when a management representative threatened to withhold wage increases from employees who signed a union authorization card.
4. On or about July 28, 2022, the Employer violated Sections 8(a)(1) and 8(a)(3) when it retaliated against Sprinklermatic employee and known union supporter (b) (6), (b) (7)(C) by denying (b) (6), (b) (7)(C) the same opportunity to work overtime that was given to other employees working on the same project (b) (6), (b) (7)(C) was assigned to.
5. On or about (b) (6), (b) (7)(C) 2022, the Employer violated Sections 8(a)(1) and 8(a)(3) when it terminated the employment of (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) was a known union supporter.
6. On or about July 30, 2022 through (b) (6), (b) (7)(C) 2022, the Employer violated Sections 8(a)(1) and 8(a)(3) when it retaliated against Sprinklermatic employees and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) by changing their job assignments to isolate them from other Sprinklermatic employees.
7. On or about (b) (6), (b) (7)(C) 2022, the Employer violated Sections 8(a)(1) and 8(a)(3) when it terminated the employment of (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) was a known union supporter.
8. On or about August 3, 2022, the Employer violated Section 8(a)(1) when (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) sent Sprinklermatic employee and known union supporter (b) (6), (b) (7)(C) a text message threatening (b) (6), (b) (7)(C) with termination of (b) (6), (b) (7)(C) employment and physical violence if (b) (6), (b) (7)(C) continued to discuss the Union.
9. On or about August 3, 2022, the Employer violated Section 8(a)(1) by creating an unlawful impression of surveillance when (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) told Sprinklermatic employee and known union supporter (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) would report any attempts (b) (6), (b) (7)(C) made to discuss the Union with other employees to Sprinklermatic (b) (6), (b) (7)(C).



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 12  
201 E Kennedy Blvd, Ste 530  
Tampa, FL 33602-5824

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (813)228-2641  
Fax: (813)228-2874



Download  
NLRB  
Mobile App

August 23, 2022

(b) (6), (b) (7)(C)

Sprinklermatic Florida, LLC  
540 Owen Ave.  
Jacksonville, FL 32254

Re: Sprinklermatic Florida, LLC  
Case 12-CA-300757

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of the second amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Attorney JOHN W. PLYMPTON whose telephone number is (813)228-2665. If the agent is not available, you may contact Regional Attorney CHRISTOPHER ZERBY whose telephone number is (813)228-2693.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the second amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "David Cohen". The signature is written in a cursive, flowing style.

DAVID COHEN  
Regional Director

Enclosure: Copy of second amended charge



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 12  
201 E Kennedy Blvd, Ste 530  
Tampa, FL 33602-5824

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (813)228-2641  
Fax: (813)228-2874



Download  
NLRB  
Mobile App

August 23, 2022

Florida Pipe Trades Council  
13185 NW 45th Ave.  
Opa Locka, FL 33054

Re: Sprinklrmatic Florida, LLC  
Case 12-CA-300757

Dear Sir or Madam:

We have docketed the second amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Attorney JOHN W. PLYMPTON whose telephone number is (813)228-2665. If the agent is not available, you may contact Regional Attorney CHRISTOPHER ZERBY whose telephone number is (813)228-2693.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the second amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Very truly yours,

A handwritten signature in black ink that reads "David Cohen". The signature is fluid and cursive, with the first name "David" and last name "Cohen" clearly distinguishable.

DAVID COHEN  
Regional Director

cc: Kevin Dill, Esq.  
O'Donoghue & O'Donoghue, LLP  
5301 Wisconsin Ave NW, Ste 800  
Washington, DC 20015

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Sprinklermatic Florida, LLC
and
Florida Pipe Trades Council

CASE 12-CA-300757

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_  
Sprinklematic Florida, LLC


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Charles S. Caulkins	
MAILING ADDRESS: 450 East Las Olas Blvd. Suite 800, Fort Lauderdale, FL 33301	
E-MAIL ADDRESS: ccaulkins@fisherphillips.com	
OFFICE TELEPHONE NUMBER: 954-847-4700	
CELL PHONE NUMBER:	FAX: 954-525-8739
SIGNATURE:  (Please sign in ink.)	
DATE:	

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



## THIRD AMENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

12-CA-300757

Date Filed

12/16/2022

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Sprinklermatic Florida, LLC		b. Tel. No. (904) 539-3900
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 540 Owen Ave., Jacksonville, FL 32254	e. Employer Representative (b) (6), (b) (7)(C)	g. e mail (b) (6), (b) (7) @sprinklermatic.net
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Contractor	j. Identify principal product or service Fire sprinkler and alarm system installation and servicing	


The above named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  
See attachment.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)  
Florida Pipe Trades Council

4a. Address (Street and number, city, state, and ZIP code) 13185 NW 45th Ave., Opa Locka, FL 33054	4b. Tel. No. (305) 681-8596
	4c. Cell No.
	4d. Fax No.
	4e. e mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  
United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL CIO

6. DECLARATION		Tel. No. (202) 362-0041
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Office, if any, Cell No.
 (signature of representative or person making charge)	Kevin Dill, O'Donoghue & O'Donoghue LLP (Print/type name and title or office, if any)	Fax No.
5301 Wisconsin Ave. NW, Ste. 800, Washington, DC Address 20015		e mail kdill@odonoghuelaw.com
Date 12/16/22		

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

## ATTACHMENT

1. On or about July 26, 2022, the Employer violated Section 8(a)(1) of the Act when Sprinklermatic (b) (6), (b) (7)(C) instructed employee (b) (6), (b) (7)(C) to stop wearing a shirt displaying union insignia on the basis that the shirt was prohibited by the Employer's policy on employee attire.
2. On or about July 26, 2022 the Employer violated Section 8(a)(1) by requiring a group of its employees to attend a captive audience meeting during company time at its Jacksonville location, in which the Employer forced its employees to listen to speeches urging them not to choose representation.
3. On or about July 26, 2022, during the captive audience meeting referenced above, the Employer violated Section 8(a)(1) when a management representative threatened Sprinklermatic employee and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) with physical violence in response to (b) (6), (b) (7)(C) union activities.
4. On or about July 26, 2022, during the captive audience meeting referenced above, the Employer violated Section 8(a)(1) when a management representative threatened to withhold wage increases from employees who signed a union authorization card.
5. On or about July 26, 2022, during the captive audience meeting referenced above, the Employer violated Section 8(a)(1) when a management representative solicited employees to ask the Union to return their signed cards authorizing the Union to act as their collective bargaining representative.
6. On or about July 26, 2022, the Employer violated Section 8(a)(1) when its (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) informed employees that their access to management would be limited if they selected the Union as their collective bargaining representative.
7. On or about July 28, 2022, the Employer violated Sections 8(a)(1) and 8(a)(3) when it retaliated against Sprinklermatic employee and known union supporter (b) (6), (b) (7)(C) by denying (b) (6), (b) (7)(C) the same opportunity to work overtime that was given to other employees working on the same project (b) (6), (b) (7)(C) was assigned to.
8. On or about July 29, 2022, the Employer violated Sections 8(a)(1) and 8(a)(3) when it terminated the employment of (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) was a known union supporter.
9. On or about July 30, 2022 through (b) (6), (b) (7)(C) 2022, the Employer violated Sections 8(a)(1) and 8(a)(3) when it retaliated against Sprinklermatic employees and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) by changing their job assignments to isolate them from other Sprinklermatic employees.

10. On or about (b) (6), (b) (7)(C) 2022, the Employer violated Sections 8(a)(1) and 8(a)(3) when it terminated the employment of (b) (6), (b) (7)(C) because (b) (6) was a known union supporter.
11. On or about August 3, 2022, the Employer violated Section 8(a)(1) when (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) sent Sprinklermatic employee and known union supporter (b) (6), (b) (7)(C) a text message threatening (b) (6), (b) (7)(C) with termination of (b) (6) employment and physical violence if (b) (6) continued to discuss the Union.
12. On or about August 3, 2022, the Employer violated Section 8(a)(1) by creating an unlawful impression of surveillance when (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) told Sprinklermatic employee and known union supporter (b) (6), (b) (7)(C) that (b) (6) would report any attempts (b) (6), (b) (7)(C) made to discuss the Union with other employees to Sprinklermatic (b) (6), (b) (7)(C).



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 12  
201 E Kennedy Blvd Ste 530  
Tampa, FL 33602-5824

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (813)228-2641  
Fax: (813)228-2874



Download  
NLRB  
Mobile App

December 16, 2022

Charles S. Caulkins, Esq.  
Fisher & Phillips, LLP  
450 East Las Olas Blvd, Suite 800  
Fort Lauderdale, FL 33301-4202

Re: Sprinklrmatic Florida, LLC  
Case 12-CA-300757

Dear Mr. Caulkins:

Enclosed is a copy of the third amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Attorney Caroline Leonard whose telephone number is (813)228-2662. If the agent is not available, you may contact Regional Attorney Christopher Zerby whose telephone number is (813)228-2693.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the third amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Very truly yours,

A handwritten signature in black ink that reads "David Cohen". The signature is fluid and cursive, with the first and last names being clearly legible.

David Cohen  
Regional Director

Enclosure: Copy of third amended charge

cc: (b) (6), (b) (7)(C)  
Sprinklromatic Florida, LLC  
540 Owen Ave.  
Jacksonville, FL 32254



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 12  
201 E Kennedy Blvd Ste 530  
Tampa, FL 33602-5824

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
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December 16, 2022

Kevin Dill, Esq.  
5301 Wisconsin Ave NW Ste 800  
Washington, DC 20015

Re: Sprinklermatic Florida, LLC  
Case 12-CA-300757

Dear Mr. Dill:

We have docketed the third amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Attorney Caroline Leonard whose telephone number is (813)228-2662. If the agent is not available, you may contact Regional Attorney Christopher Zerby whose telephone number is (813)228-2693.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the third amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn

statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "David Cohen". The signature is fluid and cursive, with the first name "David" and last name "Cohen" clearly distinguishable.

David Cohen  
Regional Director

cc: Florida Pipe Trades Council, United  
Association of Journeymen and Apprentices of  
the Plumbing and Pipe Fitting Industry of the  
United States and Canada, AFL-CIO  
13185 NW 45th Ave.  
Opa Locka, FL 33054



**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 12**

SPRINKLERMATIC FLORIDA, LLC

and

Cases 12-CA-300757  
12-CA-302322  
12-CA-302995

FLORIDA PIPE TRADES COUNCIL,  
UNITED ASSOCIATION OF JOURNEYMEN  
AND APPRENTICES OF THE PLUMBING  
AND PIPE FITTING INDUSTRY OF THE  
UNITED STATES AND CANADA, AFL-CIO

**ORDER CONSOLIDATING CASES,  
CONSOLIDATED COMPLAINT, AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, **IT IS ORDERED** that Cases 12-CA-300757, 12-CA-302322, and 12-CA-302995, filed by Florida Pipe Trades Council, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO (the Union) against Sprinklermatic Florida, LLC (Respondent) are consolidated.

This Order Consolidating Cases, Consolidated Complaint, and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § et seq., and Section 102.15 of the Board's Rules and Regulations, and alleges that Respondent has violated the Act as described below.

1.

(a) The original charge in Case 12-CA-300757 was filed by the Union on August 3, 2022, and a copy was served on Respondent by U.S. mail on August 4, 2022.

(b) The first amended charge in Case 12-CA-300757 was filed by the Union on August 10, 2012, and a copy was served on Respondent by U.S. mail on August 11, 2022.

(c) The second amended charge in Case 12-CA-300757 was filed by the Union on August 22, 2022, and a copy was served on Respondent by U.S. mail on August 23, 2022.

(d) The third amended charge in Case 12-CA-300757 was filed by the Union on December 16, 2022, and a copy was served on Respondent by U.S. mail on the same date.

(e) The charge in Case 12-CA-302322 was filed by the Union on August 29, 2022, and a copy was served on Respondent by U.S. Mail on August 30, 2022.

(f) The original charge in Case 12-CA-302995 was filed by the Union on September 8, 2022, and a copy was served on Respondent by U.S. Mail on September 9, 2022.

(g) The amended charge in Case 12-CA-302995 was filed by the Union on November 4, 2022, and a copy was served on Respondent by U.S. Mail on November 8, 2022.

2.

(a) At all material times, Respondent has been a Florida limited liability company with its principal office and place of business located in Davie, Florida, and with other places of business located in Florida, including a place of business in Jacksonville, Florida (Respondent's Jacksonville facility), and has been engaged in providing fire sprinkler system installation and maintenance services.

(b) During the past 12 months, Respondent, in conducting its business operations described above in paragraph 2(a), purchased and received at its facilities and job sites in the State of Florida goods valued in excess of \$50,000 directly from points located outside the State of Florida.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.


3.

At all material times the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and/or agents of Respondent within the meaning of Section 2(13) of the Act.

(b) (6), (b) (7)(C)



5.

On or about July 26, 2022, Respondent, by (b) (6), (b) (7)(C) at its FIS job site in Jacksonville, Florida, directed employees not to wear or display clothing with union insignia.

6.

On or about July 26, 2022, Respondent, by (b) (6), (b) (7)(C) at its Jacksonville facility:

(a) Required employees to attend a mandatory meeting during which (b) (6), (b) (7)(C) made statements against the Union:

(b) Threatened employees that they would lose their right to seek wage increases from Respondent if they selected the Union as their collective-bargaining representative.

(c) Told employees that their access to management would be limited if they selected the Union as their collective-bargaining representative.

(d) Told employees that it would be futile for them to select the Union as their collective-bargaining representative.

(e) Solicited employees to ask the Union to return their signed union authorization cards.

7.

On or about August 3, 2022, Respondent, by (b) (6), (b) (7)(C) via text message:

(a) Threatened employees with physical violence if they talked about the Union.

(b) Threatened employees with suspension or discharge if they talked about the Union.

8.

On or about August 8, 2022, Respondent, by (b) (6), (b) (7)(C), at its Jacksonville Beach hotel job site:

(a) Created the impression that Respondent was engaged in surveillance of the union activities of employees.

(b) Told employees that any future union activities would be reported to management.

9.

On about August 20, 2022, Respondent, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) at its Jacksonville facility, engaged in surveillance of the union activities of employees.

10.

(a) On about July 28 and July 29, 2022, Respondent denied its employee (b) (6), (b) (7)(C) overtime work.

(b) On or about (b) (6), (b) (7)(C) 2022, Respondent discharged its employee (b) (6), (b) (7)(C)

(c) From on or about July 30, 2022 to on or about (b) (6), (b) (7)(C) 2022, Respondent changed the job assignments of its employees (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) and isolated them from other employees.

(d) On or about August 1, 2022, Respondent implemented a new policy about returning to work after being exposed to someone with Covid-19.

(e) From on or about August 1, 2022 to August 6, 2022, applied the policy described above in paragraph 10(d) to its employee (b) (6), (b) (7)(C) by refusing to permit (b) (6), (b) (7)(C) to work.

(f) From on or about August 1, 2022 to August 6, 2022, Respondent applied its existing Covid-19 policies more strictly than it had in the past against its employee (b) (6), (b) (7)(C) by refusing to permit (b) (6), (b) (7)(C) to work.

(g) On about (b) (6), (b) (7)(C) 2022, Respondent discharged its employee (b) (6), (b) (7)(C)

(h) Respondent engaged in the conduct described above in paragraphs 10(a) through 10(g) because the named employees of Respondent formed, joined, and assisted the Union and engaged in concerted activities, to prevent the named employees from engaging in union activities, and to discourage employees from engaging in these activities.

11.

By the conduct described above in paragraphs 5, 6(a) through 6(e), 7(a), 7(b), 8(a), 8(b), and 9, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act, in violation of Section 8(a)(1) of the Act.

12.

By the conduct described above in paragraphs 10(a) through 10(h), Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization, in violation of Section 8(a)(1) and (3) of the Act.

13.

The unfair labor practices of Respondent described above affect commerce within the meaning of section 2(6) and (7) of the Act.

#### **REMEDIES SOUGHT**

As part of the remedy for the unfair labor practices alleged above in paragraphs 10(a) through 10(h), the General Counsel seeks an Order requiring Respondent to make whole (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) , and (b) (6), (b) (7)(C) whole by paying them the wages and other benefits they lost as a result of Respondent's unfair labor practices, plus interest, and make them whole for reasonable search-for-work and interim employment expenses, and for any other direct or foreseeable pecuniary harms suffered as a result of thereof, plus interest.

The General Counsel further seeks an order requiring Respondent to send letters on its letterhead to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) by electronic mail and U.S. mail that have been signed by its (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) , and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) informing (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) that all references to their

discharges by Respondent have been removed from Respondent's files, that the discharges will not be used against them in any way, that Respondent apologizes to them for any hardship or distress caused by their discharges, and that Respondent will respect the rights of employees to under the National Labor Relations Act to join unions, talk to their coworkers about unions, organize unions, and engaged in union activities.

Further, in order to fully remedy the unfair labor practices described above, and to insure future compliance with the Act, the General Counsel seeks an order requiring that Respondent permit an agent or agents of Region 12 of the Board to conduct mutually exclusive and separate training sessions regarding employee rights under the National Labor Relations Act for (1) Respondent's managers and supervisors employed at its Jacksonville and Davie, Florida facility, and (2) Respondent's nonsupervisory employees employed at its Jacksonville facility, during paid work time, at times and dates intended to permit the widest possible attendance by each of the respective separate audiences, with the times, dates, and places of the training sessions to be approved by the Regional Director of Region 12 of the Board.

The General Counsel further seeks all other relief as may be just and proper to remedy the alleged unfair labor practices.

#### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The filed answer must be **received by this office on or before 11:59 p.m. on January 11, 2023**. Respondent also must serve a copy of the answer on each of the other parties.

Pursuant to Section 102.5(c) of the Board's Rules and Regulations, the answer must be filed electronically through the Agency's website unless Respondent is unable to file



electronically, and accompanies the filing of its answer in paper format with a statement explaining why it does not have access to the means for filing electronically or why filing electronically would impose an undue burden. To file electronically, go to [www.nlrb.gov](http://www.nlrb.gov), click on **E-Filing → E-file Documents** and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

### NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on that on **April 11, 2023**, at **9:30 a.m.**, at a location to be determined in the vicinity of Jacksonville, Florida, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding shall have the right to appear and present testimony regarding the allegations in the consolidated complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: December 28, 2022.



David Cohen, Regional Director  
National Labor Relations Board, Region 12  
201 East Kennedy Boulevard, Suite 530  
Tampa, Florida 33602-5824

Attachments

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Case 12-CA-300757

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

(b) (6), (b) (7)(C)

Sprinklermatic Florida, LLC  
(b) (6), (b) (7)(C)@sprinklermatic.net

Charles S. Caulkins , Esq.  
ccaulkins@fisherphillips.com

Florida Pipe Trades Council, United  
Association of Journeymen and Apprentices  
of the Plumbing and Pipe Fitting Industry of  
the United States and Canada, AFL-CIO  
13185 NW 45th Ave.  
Opa Locka, FL 33054

Kevin Dill , Esq.  
kdill@odonoghuelaw.com

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlrb.gov](http://www.nlrb.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility

of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL RELATIONS BOARD  
REGION 12**

**SPRINKLERMATIC FLORIDA, LLC,**

**and**

**FLORIDA PIPE TRADES COUNCIL AND  
UNITED ASSOCIATION OF JOURNEYMEN  
AND APPRENTICES OF THE PLUMBING  
AND PIPE FITTING INDUSTRY OF THE  
UNITED STATES AND CANADA, AFL-CIO.**

**Case Nos. 12-CA-302995  
12-CA-300757  
12-CA-302322**

**Respondent's Answer and Affirmative Defenses to Complaint**

Pursuant to Sections 102.20 and 102.21 of the National Labor Relations Board's Rules and Regulations, Respondent Sprinklermatic Florida, LLC, by and through their undersigned counsel, answer the corresponding numbered paragraphs of the Complaint ("Complaint") as follows:

1. Sprinklermatic admits receiving the listed charges on or about the list of dates. Sprinklermatic is without information and belief to respond to the remaining allegations.

2. Admitted.

3. Admitted, upon information and belief.

4. It is admitted that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were section 2(11) supervisors and section 2(13) agents. It is admitted that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were section 2(11) supervisors. It is admitted that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were (b) (6), (b) (7)(C). It is admitted that (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C). All other allegations are denied.

5. Denied.

6. Denied.

7. Denied.

8. Denied.

9. Denied.

10. Denied except subparagraphs 10(b) and (g) are admitted. Further, it is also admitted that the job assignments of (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) as well as other employees were changed as business needs required.

11. Denied.

12. Denied

13. Denied. Further, Sprinklermatic denies that the remedies requested are not appropriate or applicable and should not be granted.

### **Affirmative Defenses**

1. The Complaint fails to state grounds for any violations.

2. To the extent that the Complaint encompasses any allegations occurring more than six months prior to the filing of an underlying charge with the National Labor Relations Board (“NLRB”) and the service of such charge upon Respondent, such allegations are time-barred by Section 10(b) of the National Labor Relations Act, as amended (“NLRA”).

3. The Complaint fails to give Respondent fair and adequate notice of the charges against it and thereby denies Respondent its rights to due process under the United States Constitution, their rights to notice of the charges under Section 10 of the NLRA, and their rights to notice and a fair hearing under the Board’s Rules and Regulations.

4. The Complaint is invalid to the extent that any alleged agents of Respondent committed acts that are ultimately determined to be outside the scope of their employment, or to the extent that they were never directed, authorized, or permitted thereby.

5. The Complaint is invalid to the extent that it fails to state a claim upon which relief may be granted.

6. All allegations of discriminatory treatment are invalid to the extent that any alleged

discrimination would have been treated in precisely the same manner in the absence of any alleged improper animus.

7. The Complaint is invalid to the extent that the General Counsel has pleaded legal conclusions rather than required factual allegations.

8. The Complaint is invalid to the extent that it contains allegations that were not included within a timely-filed, pending unfair labor practice charge against Respondent.

9. The Complaint is barred by the doctrine of laches.

10. Any allegations not expressly admitted are hereby denied.

WHEREFORE, having fully answered the Complaint, Respondent prays that it be dismissed, or in the alternative, that the General Counsel be held to strict proof of all allegations not specifically admitted.

Respectfully submitted this 11th day of January 2023.

/s/ Charles S. Caulkins  
Charles S. Caulkins  
Attorney for Respondent  
**FISHER & PHILLIPS LLP**  
450 East Las Olas Blvd.  
Suite 800  
Fort Lauderdale, FL 33301  
Telephone: (954) 525-4800  
Facsimile: (954) 525-8739  
E-mail: [ccaulkins@fisherphillips.com](mailto:ccaulkins@fisherphillips.com)



**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL RELATIONS BOARD  
REGION 12**

**SPRINKLERMATIC FLORIDA, LLC,**

**and**

**FLORIDA PIPE TRADES COUNCIL AND  
UNITED ASSOCIATION OF JOURNEYMEN  
AND APPRENTICES OF THE PLUMBING  
AND PIPE FITTING INDUSTRY OF THE  
UNITED STATES AND CANADA, AFL-CIO.**

**Case Nos. 12-CA-302995  
12-CA-300757  
12-CA-302322**

**Certificate of Service**

I hereby certify that on January 11, 2023, the foregoing Respondent Sprinklermatic Florida, LLC's Answer and Affirmative Defenses has been served on the following via electronic mail:

Kevin Dill, Esquire  
O'Donoghue & O'Donoghue, LLP  
5301 Wisconsin Avenue, NW  
Suite 800  
Washington, DC 20015  
[kdill@odonoghuelaw.com](mailto:kdill@odonoghuelaw.com)

/s/ Charles S. Caulkins  
Charles S. Caulkins  
Attorney for Respondent  
**FISHER & PHILLIPS LLP**  
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Fort Lauderdale, FL 33301  
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